

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

RANDALL HENRY

)
)
)
)
)
)

NO. 3:20-CR-59

ORDER

Magistrate Judge C. Clifford Shirley, Jr. filed a report and recommendation (Doc. 10), recommending that the Court: (1) find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice; (2) grant Defendant's motion to withdraw his not guilty plea to Count One of the Information; (3) accept Defendant's plea of guilty to Count One of the Information, that is, false labeling of plants (American Ginseng) transported in interstate/foreign commerce and valued over \$350, in violation of 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(ii), and 18 U.S.C. § 2; (4) adjudicate Defendant guilty of the charge set forth in Count One of the Information; and (5) find that Defendant shall be released on his own recognizance until sentencing in this matter. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 10) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) As set forth on the record, Defendant's plea hearing could not be further delayed without serious harm to the interests of justice;

(2) Defendant's motion to withdraw his not guilty plea to Count One of the Information is **GRANTED**;

(3) Defendant's plea of guilty to Count One of the Information, that is, false labeling of plants (American Ginseng) transported in interstate/foreign commerce and valued over \$350, in violation of 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(ii), and 18 U.S.C. § 2, is **ACCEPTED**;

(4) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Information;

(5) Defendant **SHALL BE RELEASED** on his own recognizance until sentencing in this matter, which is scheduled to take place on **December 8, 2020 at 2:30 p.m.** before the Honorable Harry S. Mattice, Senior United States District Judge.

SO ORDERED.

/s/ Harry S. Mattice Jr.
HARRY S. MATTICE, JR
SENIOR UNITED STATES DISTRICT JUDGE
November 4, 2020